



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Yasuyuki KAWAHARA et al.

Serial No.: 10/019,287

Filed: January 2, 2002

Group Art Unit: 1764

Examiner: T. OH

P.T.O. Confirmation No.: 1458

For: **DICARBOXYLIC DIESTER, PROCESS FOR PRODUCING THE SAME, AND REFRIGERATING MACHINE LUBRICATING OIL COMPRISING THE ESTER**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED June 3, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 2, 2003

Sir:

This paper is submitted in response to the Official Action dated June 3, 2003. In the Action, restriction is required between Group (I), Claims 1-11 and 14-30; and Group (II), Claims 12-13 and 31-33.

Applicants hereby elect the subject matter of Group (I), Claims 1-11 and 14-30 for prosecution in this application. This election is made with traverse, and it is understood that the Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

Applicants note that unity of this invention is admitted at the international preliminary examination report in the international phase of this PCT application. Applicants assert that this shows that the invention meets PCT Rule 13.1.

RECEIVED
JUL 1 2003
TECH CENTER 1500

RECEIVED
JUL 07 2003
GROUP 1700

RECEIVED
JUL 07 2003
GROUP 1700

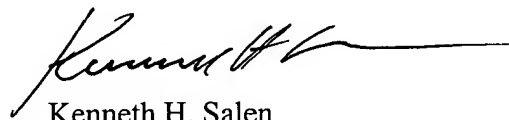
Applicants respectfully submit that it is unclear as to why the Examiner refers to Bishop et al. (U.S. Patent No. 2,552,084). If, as the Examiner asserts, Bishop et al. says a refrigerator lubricating oil composition may contain mineral oil, a halogenated hydrocarbon, and an ethylene oxide, such information would not mean a refrigerator lubricating oil composition must not contain esters or alicyclic dicarboxylic acid diesters. Therefore, Applicants fail to see the point of the Examiner's statement.

The present inventors have discovered ester compounds having special properties that are suitable for the refrigerator lubricating oil compositions. Applicants assert that these compounds are the special technical feature of this invention.

In the event that this paper is not timely filed, Applicants hereby petition for an appropriate extension of time. The fee for any such extension, or any other fees required to effect consideration of this response, may be charged to our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Kenneth H. Salen
Attorney for Applicants
Reg. No. 43,077

KHS/kas
Atty. Docket No. **011731**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE